

ORDINANCE NO. 101.

An Ordinance Pertaining to and Providing for Limiting and Regulating the Selling, Furnishing, Serving or Giving Away or In Any Manner Disposing of, Either Directly or Indirectly, of Any Spirituous, Vinous, Malt, Mixed, Fermented, Distilled, Alcoholic or Any Intoxicating Liquors Within the Corporate Limits of the City of Lodi, and Repealing All Parts of Ordinances In Conflict Herewith, and Providing A Penalty For Any Violation of This Ordinance.

of Trustees

Be it ordained by the Board of the City of Lodi as follows:

Sec. 1. It shall be and hereby is made unlawful for any person or persons, firm, corporation, partnership, organization, society, club, or association, either as owner, principal, agent, employee, or otherwise, to sell, furnish, serve, or give away, or in any manner dispose of, either directly or indirectly, to any person or persons, any spirituous, vinous, malt, mixed, fermented, distilled, alcoholic, or intoxicating liquors within the corporate limits of the City of Lodi, except as hereinafter provided.

Sec. 2. It shall be and hereby is made unlawful for any person or persons, firm, corporation, club or association, either as owner, principal, agent, servant, employee, or otherwise, to establish, conduct or keep a place, within the corporate limits of the City of Lodi, where spirituous, vinous, malt, mixed, fermented, distilled, alcoholic, or any intoxicating liquors are sold, served, furnished or given away, or allowed to be drunk, except as hereinafter provided.

Sec. 3. It shall not be unlawful under this ordinance,

(a) To serve any of the liquors mentioned in Article 1 hereof, in a private home to members of the family or to guests, when such home is not a place of public resort, and when no money or other representative of value, or my valuable consideration is, or is to be given or received therefor:

(b) To use wine at the sacramental service of any religious organization:

(c) For any registered pharmacist to sell or dispense alcoholic liquors at a pharmacy, for medicinal purposes only, upon a written prescription, calling for not to exceed eight ounces of alcoholic liquor; such sale shall be on the date of the issuance of said prescription, and said prescription shall not be refilled. Every such prescription shall be issued, signed and dated by a duly licensed physician, and shall have endorsed upon it by such physician the name and the address of the person for whose use such prescription is made, and the statement that in his opinion the liquor prescribed is required by such person as a medicine. No other form of prescription shall be deemed to be within the intent of this section. All alcoholic liquor so dispensed shall be placed in corked or sealed bottles and delivered to the purchaser in the public room of the pharmacy or sent to any given address, but shall not be consumed on the premises where dispensed. All such prescriptions shall be kept on file for one year and open at all times to public inspection while the pharmacy is open for business;

(d) The sale of pure alcohol by registered pharmacists at pharmacies for scientific or mechanical purposes, but not for drinking; provided the pharmacist selling same shall keep a record of such sales in which shall be entered the date of the sale, the quantity sold, the purpose for which purchased, and the signature of the person purchasing same; such record to be kept at said pharmacy for at least one year, open to public inspection at all times during regular business hours;

(e) For a wholesale liquor house or establishment holding a valid permit from the Board of Trustees of the City of Lodi, to sell any of the liquors mentioned in Article 1 hereof, in quantities of not less than 21 ounces, provided said liquors shall not be sold before 7 A. M. or after 6 P. M. of any day, and provided that such liquor so sold, shall not be drunk upon the premises where so sold, And provided that said alcoholic liquors so sold shall be in sealed or corked containers or closed packages;

(f) To sell and serve vinous and malt liquor with meals in any hotel, restaurant or club, the proprietor or manager of which holds a valid permit, obtained from the said Board of Trustees, author-

izing the sale of such liquor at such place; provided such liquor shall be served and consumed only with and as a part of a bona fide meal in the public or general dining-room of the hotel, restaurant or club, between the hours of 11 A. M. and 9 P. M. of any day, and at no other time or place. A bona fide meal under this ordinance shall mean a meal which costs not less than 20 cents, exclusive of the price of the vinous or malt liquors served therewith.

Sec. 4. It shall be unlawful for the owner or manager of any place of public resort, where any alcoholic liquor may not legally be sold, to permit therein the drinking of any such liquor, and it shall be unlawful for the owner or manager of any place, where such liquor may legally be sold, to permit therein the drinking of any such liquor at any time when it may not legally be sold therein.

Sec. 5. The Board of Trustees, of said City of Lodi, shall have power to grant permits to sell vinous, and malt liquors with meals, and to issue licenses to wholesale liquor establishments to sell any alcoholic liquor in quantities of not less than 21 ounces, in sealed or corked containers or closed packages, not to be consumed on the premises where sold, under such terms and conditions as said Board of Trustees shall prescribe, provided that such permits and licenses shall not authorize anything made unlawful by this ordinance.

Sec. 6. The Board of Trustees, may, at any time, in its discretion, without notice, revoke, rescind or cancel any permit for a liquor license theretofore granted, and may cancel and declare forfeited any license issued.

Sec. 7. Any person violating any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$300.00 or by imprisonment in the County jail of San Joaquin County, for a period not exceeding three months, or by both such fine and imprisonment.

Sec. 8. All parts of ordinances in conflict with the provisions of this ordinance, are hereby repealed.

Sec. 9. This ordinance shall be published once in The Lodi Sentinel, a newspaper of general circulation, and shall be and become effective at 12 o'clock P. M. August 31st, 1918.